IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3512 of 2005

Between:

D.Sura S/o.D.Golu, C/o.P.Sudheer, Advocate
H.No.719 (1-8-4750) Venkateshwara Swamy Temple Lane, Chikkadpalli, Hyerabad.

.....PETITIONER

AND

1 The Presiding Officer Labour Court, III,
Chandravihar Buidlings, Hyderabad.
2 The Depot Manager, APSRTC Kodad, Bus Depot, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of Certiorari after calling for the records, set aside the award inI.D.No.26 of 2002 dt.30th April, 2003 in so far as imposing the penalty of deferment of two annual grade increment with cumulative effect and not granting backwages and attendant benefits.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent No.1: G.P. for Labour

Counsel for the Respondent No.2: MR.V.T.M.PRASAD

The Court at the stage of admission made the following :

ORDER:

The writ petition is filed seeking writ of certiorari to set aside the award in I.D.No.26 of 2002 dated 30.04.2003 in so far as imposing the penalty of deferment of two annual grade increments with cumulative effect and not granting backwages and attendant benefits.

The petitioner was initially appointed as Conductor in the 2nd respondent corporation on 30.05.1986 and his services were regularized on 08.02.1988. On 09.01.2001, a check was conducted by the officials of the 2nd respondent on the petitioner and found certain irregularities. Therefore, a charge-sheet dated 09.01.2001 was issued, for which the writ petitioner submitted explanation. A regular departmental enquiry was conducted. The enquiry officer submitted a report, which was accepted by the disciplinary authority and therefore a showcause notice was issued. After issuing show cause notice, the petitioner was terminated from service. The appeal filed before the Regional Manager was also rejected. Then the petitioner preferred I.D.No.26 of 2002 before the Labour Court-III, Hyderabad. The labour Court ordered for reinstatement with continuity of service with deferment of two annual increments with cumulative effect and he is not entitled for any back wages. Challenging the same, the petitioner filed the present writ petition.

Learned Counsel for the petitioner contended that the order of the labour Court denying the back wages and attendant benefits and imposing the punishment of deferment of two annual increments with cumulative effect is illegal and the labour Court failed to consider the illness suffered by the petitioner. Hence, he prays to set aside the same and allow the back wages and attendant benefits.

On the other hand, the learned Standing Counsel appearing for the 2nd respondent contended that the labour Court after proper appreciation of the evidence on record, came to the conclusion that the enquiry officer had rightly held that the charges leveled against the petitioner are proved, and that the

labour Court has taken lenient view and hence there are no grounds to interfere with the award passed by the Tribunal.

For checking cash and ticket irregularities, a charge sheet dated 09.01.2001 was issued and a regular departmental enquiry was conducted. The enquiry officer found that the charges leveled against the petitioner were proved. Accepting the same, the disciplinary authority issued a show cause notice and imposed punishment of removal from service. By the impugned proceedings, the petitioner was reinstated into service.

A categorical finding has been given by the labour Court that the petitioner has re-issued tickets on 09.01.2001, which was sold out on 31.12.2000. Thus, the reissue of tickets is clearly established. It also categorically held that the enquiry officer has rightly held that the charges leveled against the petitioner are proved and he is justified in his findings. Even in the writ petition it is not stated that the enquiry officer violated the principles of natural justice or that the findings are not based upon the evidence available on record or that he was denied reasonable opportunity to adduce evidence. The labour Court reappreciated the evidence and came to the conclusion that the charges leveled against the petitioner are proved and there is no infirmity in conducting the enquiry. The findings of the labour Court are not shown to be perverse or contrary to the evidence available on record. The order under challenge does not suffer from any incurable infirmities calling for the interference of this Court. Hence, the writ petition is devoid of merits and is dismissed.

01.03.2005

MRKR

To

1 The Presiding Officer Labour Court-III,
Chandravihar Buidlings, Hyderabad.
2 The Depot Manager, APSRTC Kodad, Bus Depot, Nalgonda District.

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